IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 488 OF 2007
IN
CRIMINAL APPEAL NO. 232 OF 2005

Mehboob Sayyed Abdul Sayyed ..Applicant

Vs.

State of Maharashtra ..Respondent

Mr. Prakash Naik for the applicant.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 04, 2007.

P.C.:

1. Heard Mr. Naik the learned counsel for the applicant. Mr. Adsule the learned APP appears for the State.

2. The applicant-accused has been convicted along with two others for the offences punishable under Section 452, 392 read with Section 397 of IPC and sentenced to suffer RI for seven years by the learned Special Judge under MCOC Act by his Judgment and Order dated 2/2/2005 and the said order of conviction and sentence is under challenge in Criminal Appeal No.

232 of 2005 which has been admitted by this court on 10/3/2005.

3. This is an application for bail by suspending the sentence under Section 389 of Cr.P.C. I have perused the reasoning set out by the learned Judge in the trial court by relying on the evidence of all the seven witnesses examined by the prosecution and I am satisfied that this is not a fit case wherein the applicant should be released on bail by suspending the sentence. However, the appeal filed by him deserves to be heard expeditiously. While considering the bail application I have also taken into consideration the antecedents of the applicant as have been placed before me by the learned APP as per the letter dated 3/5/2007 received from the Ghatkopar Police Station. The learned APP has informed that the following four criminal cases have been registered against the applicant with different police stations:-

(a) Ghatkopar Police Station - C.R. No.86/04 for the offences punishable under Sections

395, 397, 452 of IPC.

(b) Ghatkopar Police Station - C.R. No. 169/04 for the offences punishable under Sections 395, 397, 452 read with Section 34 of IPC as well as under Section 3 of the MCOC Act.

(c) Shiwree Police Station - C.R. No.83/04 for the offences punishable under Sections 454, 457, 380 of IPC.

(d) Azad Maidan Police Station - C.R. No.231/04 for the offences punishable under Sections 454, 457, 380 of IPC.

4. The application is hereby rejected. However, the learned counsel for the applicant is at liberty to submit a private paper book which is to be certified by the Registry on the basis of the R & P which has been received and on submission of the private paper book the applicant is at liberty to apply for fixing early date of hearing of the appeal.

(B.H. Marlapalle,J.)